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In re Application of :
VAN NOTEN et al. :
Application No.: 10/578,239 : DECISION
PCT No.: PCT/GB2004/004528 :
Int. Filing Date: 27 October 2004 :
Priority Date: 04 November 2003 :
Attorney Docket No.: TYR-P0007 :
For: DEVICE FOR INSTALLING AN OPTICAL :
FIBRE IN A SPLICE CONNECTOR :

This decision is in response to applicants' submissions filed in the United States Patent and Trademark Office (USPTO) on 10 December 2008 and 08 January 2009.

BACKGROUND

On 27 October 2004, applicants filed international application PCT/GB2004/004528, which designated the United States and claimed a priority date of 04 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 09 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 04 May 2006.

On 04 May 2006, applicants filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a copy of a declaration of inventors filed in international application PCT/GB2004/004528.

On 19 December 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 10 January 2007, applicants filed a response which included a second copy of the declaration of inventors filed 04 May 2006.

On 10 August 2007, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the copy of the declaration of inventors filed 10 January 2007 was not in compliance with 37 CFR 1.497(a)-(b) because it did not identify the application to which it was directed.

On 14 July 2008, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond the NOTIFICATION OF MISSING REQUIREMENTS mailed 19 December 2006.

On 08 September 2008, applicants filed a petition under 37 CFR 1.181. The petition was accompanied by, *inter alia*, a copy of a declaration of inventors and a USPTO date-stamped postcard receipt.

On 10 November 2008, a decision was mailed granting applicants' petition under 37 CFR 1.181 and vacating the NOTIFICATION OF ABANDONMENT mailed 14 July 2008. The decision also indicated that the declaration of inventors filed 11 September 2008 was improper and that a new declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required. The decision set a one-month non-extendable time period.

On 10 December 2008, applicants filed a submission including two declarations of inventors and a petition under 37 CFR 1.47(b), which has been properly treated as a petition under 37 CFR 1.47(a), for non-signing inventor Jan Muller.

On 08 January 2009, applicants filed a submission including a declaration of inventors signed by previously non-signing inventor Jan Muller.

DISCUSSION

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

The declarations of inventors filed 10 December 2008 and 08 January 2009 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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